

1 BILL NO. G-91-05- 38

2 GENERAL ORDINANCE NO. G-16-91

3 AN ORDINANCE amending Article  
4 II Chapter 6, Section 6-4 of the  
City of Fort Wayne Code of Laws.

5 WHEREAS, It is the purpose of this ordinance to  
6 protect the health, welfare, and safety of the general  
7 public and to prevent potential harm which may be  
8 inflicted upon persons and domesticated animals by  
9 dangerous animals.

10 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
11 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

12 SECTION 1. That Article II Chapter 6, Section  
13 6-4-(19) of the City of Fort Wayne Code of Laws be  
14 amended and added as follows:

15 Section 6-4. Enumerated.

16 SECTION (19) DANGEROUS ANIMALS.

17 a) OWNERSHIP/POSSESSION PROHIBITED: No person shall own,  
18 keep, or harbor a dangerous animal within the City of  
19 Fort Wayne; provided, this section shall not apply to  
20 animals under the control of a law enforcement or  
21 military agency. For the purpose of this chapter, an  
animal may be declared dangerous by the Shelter Manager  
if the animal exhibits vicious behavior in present or  
past conduct, including but not limited to:

- 22 1. (a) Evidence that the animal has, without  
23 provocation, bitten or attacked a person  
24 and/or animal three (3) times in a  
consecutive twelve (12) month  
period; or
- 25 (b) Did bite or attack once causing wounds or  
26 injuries creating a potential danger to  
the health or life of the victim; or
- 27 (c) Could not be controlled or restrained at  
28 the time of a bite or attack upon an  
animal or person; and

29 2. That in order to preserve the public health,  
30 safety or welfare of the community, the destruction of  
said animal is necessary.

31 b) DETERMINATION AND APPEALS PROCEDURE: Whenever an  
32 animal is declared dangerous, the Shelter Manager shall  
notify the animal's owner or custodian of the declaration  
and the Department of Animal Control's intent to  
euthanize the animal unless the determination is timely  
appealed hereunder. Notice of the declaration shall be  
served either in person or by certified or registered  
mail. The animal, if not already held in quarantine at



the Department of Animal Control, shall be surrendered to the Shelter Manager.

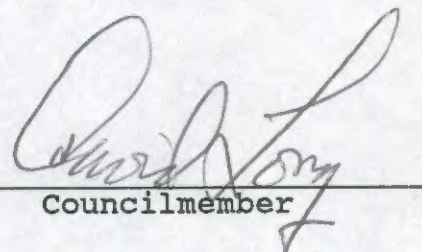
Any decision of the Shelter Manager under the provisions of these sections may be appealed to the Board of Public Safety (Board). Such appeal of the owner to the Board shall be in writing and be filed with the Director of the Board within ten (10) days after receipt of notification from the Shelter Manager that said animal has been found to be dangerous. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Department of Animal Control during the appeal process.

Upon receipt of a written appeal, the Board shall provide notice and conduct an adjudicative hearing in accordance with the terms of Indiana Code 4-21.5 et seq. Thereafter, the Board shall render a decision that said animal is dangerous and must be euthanized, or is not dangerous and should be returned to the owner. The decision of the Board shall be final and binding upon the City and upon the appellant. This decision may be appealed according to the provisions of Chapter 5, Article 21.5 of Title 4 of the Indiana Code.

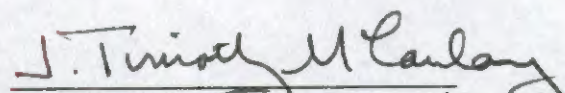
c) COSTS: The owner of any animal which is impounded and/or euthanized under this section shall be held responsible for payment of any expenses so incurred by the Department of Animal Control, and failure to pay such fees to the Department within fifteen (15) days after destruction of such animal shall constitute a violation of the chapter.

d) SEVERABILITY AND EFFECTIVE DATE: If any part, parts, section, sections, provision, clause or portion of this article shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this article as a whole or of any other part, section, clause, provisions, or portion of this article.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication.

  
Councilmember

Approved as to  
Form and Legality

  
J. Timothy McCaulay, City Attorney

PURE STAR BOND  
SOUTHWORTH CO. U.S.A.  
20% COTTON FIBER



Read the first time in full and on motion by Henry, seconded by Quadd, and duly adopted, read the second time title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, da of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATED: 5-28-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Quadd, and duly adopted, placed on its passage. PASSED YES by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-11-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 5-16-91 on the 11th day of June, 1991.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

ATTEST  
SEAL  
Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991 at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of June 1991, at the hour of 10:30 o'clock A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE PUBLIC SAFETY/ANIMAL CONTROL

SYNOPSIS OF ORDINANCE AMENDS AND REDEFINES LAW REGARDING PROHIBITION

OF OWNERSHIP OR POSSESSION OF AN ANIMAL WHICH HAS EXHIBITED

VICIOUS BEHAVIOR, THUS CAUSING A THREAT TO THE GENERAL

PUBLIC SAFETY.

*G-91-05-38.*

EFFECT OF PASSAGE WOULD REPLACE CURRENT SECTION 6-4(19)

EFFECT OF NON-PASSAGE Section 6-4(19) as presently in the City Code,  
would remain in effect.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. G-91-05-38

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending Article II  
Chapter 6, Section 6-4 of the City of Fort Wayne / Code of Laws

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David Long*  
*CR Edmond*  
*EDS*

DATED: 6-11-91

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 17, 1991

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of  
June 21 and June 28, 1991, in both the News Sentinel and  
Journal Gazette.

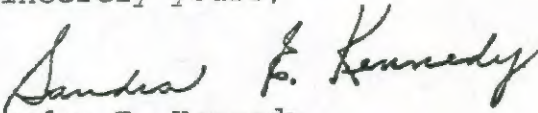
RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-05-38  
General Ordinance No. G-16-91  
Dangerous Animals

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 11th day of  
June, 1991, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. G-91-05-38 General  
Ordinance No. G-16-91 to-wit:

BILL NO. G-91-05-38

GENERAL ORDINANCE NO. G-16-91

AN ORDINANCE amending Article  
II Chapter 6, Section 6-4 of the  
City of Fort Wayne Code of Laws.

WHEREAS, It is the purpose of this ordinance to  
protect the health, welfare, and safety of the general  
public and to prevent potential harm which may be  
inflicted upon persons and domesticated animals by  
dangerous animals.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. That Article II Chapter 6, Section  
6-4-(19) of the City of Fort Wayne Code of Laws be  
amended and added as follows:

Section 6-4. Enumerated.

**SECTION (19) DANGEROUS ANIMALS.**

a) OWNERSHIP/POSSESSION PROHIBITED: No person shall own,  
keep, or harbor a dangerous animal within the City of  
Fort Wayne; provided, this section shall not apply to  
animals under the control of a law enforcement or  
military agency. For the purpose of this chapter, an  
animal may be declared dangerous by the Shelter Manager  
if the animal exhibits vicious behavior in present or  
past conduct, including but not limited to:

1. (a) Evidence that the animal has, without  
provocation, bitten or attacked a person  
and/or animal three (3) times in a  
consecutive twelve (12) month  
period; or
- (b) Did bite or attack once causing wounds or  
injuries creating a potential danger to  
the health or life of the victim; or
- (c) Could not be controlled or restrained at  
the time of a bite or attack upon an  
animal or person; and

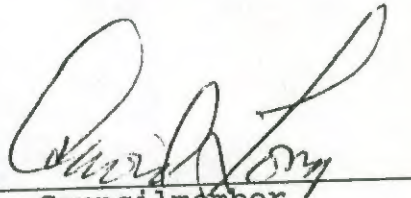
2. That in order to preserve the public health,  
safety or welfare of the community, the destruction of  
said animal is necessary.

b) DETERMINATION AND APPEALS PROCEDURE: Whenever an  
animal is declared dangerous, the Shelter Manager shall



10 article shall be adjudged  
19 such invalidity or unconstitutionality shall not affect  
20 the validity or constitutionality of this article as a  
whole or of any other part, section, clause, provisions,  
or portion of this article.

21 SECTION 2. This Ordinance shall be in full  
22 force and effect from and after its passage and any and  
23 all necessary approval by the Mayor and legal  
24 publication.

25   
26 Councilmember  
27 David C. Long  
28

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Burns, Edmonds, Henry, Redd, Schmidt, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: Two  
GiaQuinta, Redd

DATED: 6-11-91

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-91 on the 11th day of June, 1991

ATTEST

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

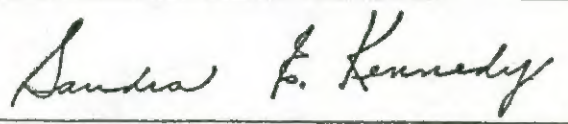
Approved and signed by me this 13th day of June, 1991, at the hour of 10:30 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of  
General \_\_\_\_\_ Ordinance No. G-16-91,  
passed by the Common Council on the 11th day of  
June, 1991, and that said Ordinance was  
duly signed and approved by the Mayor on the 13th day of  
June, 1991, and now remains on file and  
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,  
Indiana, this 13th day of June, 1991.

SEAL

  
SANDRA E. KENNEDY, CITY CLERK







FW Common Council  
(Governmental Unit)  
Allen County, Indiana

To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

136 lines, 1 columns wide equals 136 equivalent lines at .495 cents per line

\$ 67.32

Additional charge for notices containing rule or tabular work (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 69.32

DATA FOR COMPUTING COST

LEGAL NOTICE

Notice is hereby given that on the 11th day of June, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-05-38 General Ordinance No. G-16-91

o-wit:

BILL NO. G-91-05-38

GENERAL ORDINANCE NO. G-16-91

AN ORDINANCE amending Article II Chapter 6, Section 6-4 of the City of Fort Wayne Code of Laws.

WHEREAS, it is the purpose of this ordinance to protect the health, welfare, and safety of the general public and to prevent potential harm which may be inflicted upon persons and domesticated animals by dangerous animals.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. That Article II Chapter 6, Section 6-4 (19) of the City of Fort Wayne Code of Laws be amended and added as follows:

Section 6-4. Enumerated.

SECTION (19) DANGEROUS ANIMALS.

a) OWNERSHIP/POSSESSION PROHIBITED: No person shall own, keep, or harbor a dangerous animal within the City of Fort Wayne; provided, this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this chapter, an animal may be declared dangerous by the Shelter Manager if the animal exhibits vicious behavior present or past conduct, including but not limited to:

1. (a) Evidence that the animal has, without revocation, bitten or attacked a person and/or animal three (3) times in a consecutive twelve (12) month period; or

(b) Did bite or attack once causing wounds or injuries creating a potential danger to the health or life of the victim; or

(c) Could not be controlled or restrained at the time a bite or attack upon an animal or person; and

2. That in order to preserve the public health, safety, welfare or the community, the destruction of said animal is necessary.

b) DETERMINATION AND APPEALS PROCEDURE: Whenever an animal is declared dangerous, the Shelter Manager shall notify the animal's owner or custodian of the declaration and the Department of Animal Control's intent to euthanize the animal unless a determination is timely appealed hereunder. Notice of the declaration shall be served either in person or by certified or registered mail. The animal, if not already in quarantine at the Department of Animal Control, shall be surrendered to the Shelter Manager.

Any decision of the Shelter Manager under the provisions of these sections may be appealed to the Board of Public Safety (Board). Such appeal of the owner to the Board shall be in writing and be filed with the Director of the Board within ten (10) days after receipt of notification from the Shelter Manager that the animal has been found to be dangerous. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Department of Animal Control during the appeal process.

Upon receipt of a written appeal, the Board shall provide notice and conduct an adjudicative hearing in accordance with the terms of Indiana Code 4-21.5 et seq. Thereafter, the Board shall render a decision that the animal is dangerous and must be euthanized, or is not dangerous and should be returned to the owner. The decision of the Board shall be final and binding upon the City and upon the appellant. This decision may be appealed according to the provisions of Chapter 5, Article 21.5 of Title 4 of the Indiana Code.

c) COSTS: The owner of any animal which is impounded and/or euthanized under this section shall be held responsible for payment of any expenses so incurred by the Department of Animal Control, and shall be required to pay such fees to the Department within ten (10) days after destruction of such animal shall constitute a violation of the chapter.

d) SEVERABILITY AND EFFECTIVE DATE: If any part, section, sections, provision, clause or

provision of this article shall be declared invalid or

unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this article as a whole or of any other part, section, clause, provisions, or portion of this article.

SECTION 2. This Ordinance shall be in full force and effect from after its passage and any and all necessary approval by the Mayor and legal publication.

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven

Bradbury, Burns, Edmonds, Henry, Redd, Schmidt, Talarico

NAYS: None

ABSTAINED: None

ABSENT: Two

GiaQuinta, Redd

DATED: 6-11-91

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-16-91 on the 11th day of June, 1991.

ATTEST

Sandra E. Kennedy

City Clerk

Samuel J. Talarico

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 13th day of June, 1991, at the hour of 10:30 o'clock A.M., E.S.T.

Paul Heimke

Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-16-91, passed by the Common Council on the 11th day of June, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of June, 1991, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of June, 1991.

Sandra E. Kennedy, City Clerk

6-21-28

that the amount of no part of the  
Clerk  
FIDAVIT  
notary public in and for said county and state, the who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for

2 time ( s ) , the dates of publication being as follows:  
6/21, 28/91

subscribed and sworn to before me this 28th day of June, 1991.  
Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Common Council  
(Governmental Unit)  
Allen  
County, Indiana

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

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Total number of lines in notice

COMPUTATION OF CHARGES

136 lines, 1 columns wide equals 136 equivalent lines  
at .495 cents per line

\$ 67.32

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 69.32

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 28, 19 91

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

6/21, 28/91

Subscribed and sworn to before me this 28th day of June, 19 91.

Notary Public Whitley County, IN  
SHELLEY R. LARUE

commission expires: March 3, 1994

Review and acceptance by the Superintendent shall be required for certain wastes.  
Sec. 24-11. Prior Approval for Certain Wastes  
ARTICLE II - PERMITTED COMMERCIAL AND INDUSTRIAL WASTES  
discharges of the emergency notification procedure.  
employees who may cause or discover such discharges. Employers shall adequately instruct employees whom to call in the event of an accidental release on the dischargers' premises, advising such places must be permanently posted in conspicuous places.  
law.  
and treatment facilities in addition to the amount of any fines imposed upon the City under state or federal law.  
including loss or damage to the City's sewage system.

FREE FINANCING  
NO PAYMENTS  
NO INTEREST  
FOR 90 DAYS

LEGAL NOTICE  
Notice is hereby given that on the 11th day of June, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-05-38 General Ordinance No. G-16-91  
Bill No. G-91-05-38  
GENERAL ORDINANCE NO. G-16-91  
ORDINANCE amending Article II Chapter 6, Section 6-4 of the City of Fort Wayne Code of Laws.  
WHEREAS, it is the purpose of this ordinance to protect the health, welfare, and safety of the general public and to prevent potential harm which may be caused upon persons and domesticated animals by dangerous animals.  
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:  
SECTION 1. That Article II Chapter 6 Section 6-4 of the City of Fort Wayne Code of Laws be amended to read:  
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of June, 1991.  
Sandra E. Kennedy, City Clerk



FW Common Council  
(Governmental Unit)  
Allen County, Indiana

To: The Journal-Gazette  
P.O. Box 100  
Fort Wayne, IN Dr.

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

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at .495 cents per line \$ 67.32  
Additional charge for notices containing rule or tabular work (50 percent of above amount)  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00  
TOTAL AMOUNT OF CLAIM \$ 69.32

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: June 28, 19 91 Title: Clerk

PUBLISHER'S AFFIDAVIT

Q. Has your vacation summer been cancelled?  
YES: 14%

"We're personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time ( s ), the dates of publication being as follows: 6/21, 28/91

Subscribed and sworn to before me this 28th day of June, 19 91.

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994